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## DEVELOPING AND REVIEWING YOUR PLAN

**E**ach conservator of the person and each conservator of the estate, whether general or limited, should make a plan for his or her conservatorship that assesses the needs, personal, financial, or both, of the conservatee and shows how these needs will be met on an ongoing basis.

Some superior courts require all conservators to prepare and file formal written plans with the court. Others may require some conservators to do so in their particular situations. If you are unsure about the court's requirements in your case concerning a plan for your conservatorship, check with your lawyer. **■** However, even if a formal plan is not required in your case, it is recommended that you develop at least an informal plan of conservatorship.

If the conservator of the person and the conservator of the estate in your conservatorship are different persons, the two of you should get together to develop your plan. The plan should be an overall or general plan in the sense that it provides a complete picture of the conservatee's personal needs and financial ability.

### 1. Developing Your Plan of Conservatorship

A plan of conservatorship, whether or not it is filed with the court, requires you to assess your conservatee's needs in a systematic way and then to develop a plan to meet those needs.

## A. Assessing the Conservatee's Needs

By assessing the conservatee's needs, you will be able to figure out what services would be most helpful. Then you can look for people and organizations to provide these services and compare the expense of these services with the conservatee's financial ability. At that point, you can develop an overall plan for the conservatorship.

To assess personal needs, consider what the conservatee is able to do for himself or herself. The "Worksheet for Assessing the Conservatee's Needs" that follows can help you with this task.

In difficult situations, you may want to have a professional help you assess the conservatee's abilities. A private **case manager** or a nonprofit agency that provides **assessment** services in your area may be able to assist you. The social work department of a hospital in the conservatee's community or the local Area Agency on Aging may be able to refer you to agencies and individuals that provide these services. Regional centers provide assessment services for people with developmental disabilities.

In most situations, you should be able to conduct the personal needs assessment without professional help. Nevertheless, you can ask for help from the conservatee's doctors, nurses, social workers, neighbors, family members, friends, and community agencies in trying to figure out how well the conservatee can carry on daily living activities.

See Appendix B, "How to Find and Use Community Resources," at the back of this handbook, for more ideas and information about both services to assist with need assessment and services to meet the needs that you have identified.

## B. Drawing Up a Plan to Meet the Conservatee's Needs

After assessing the conservatee's needs, you will need to prepare your plan for meeting these needs. The idea of a general or overall plan is simple. First, ***describe the conservatee's condition***, both personal and financial, and both how that condition is now and how it will be in the foreseeable future. Then ***describe the steps you plan to take to deal with the conservatee's condition*** during the period of time that you expect to be conservator.

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## WORKSHEET FOR ASSESSING THE CONSERVATEE'S NEEDS

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YES	NO	Can the conservatee care for himself or herself?
<input type="checkbox"/>	<input type="checkbox"/>	Can the conservatee eat without help?
<input type="checkbox"/>	<input type="checkbox"/>	Can the conservatee safely get in and out of the bathtub or shower alone?
<input type="checkbox"/>	<input type="checkbox"/>	Does the conservatee have any physical problems bathing or taking a shower?
<input type="checkbox"/>	<input type="checkbox"/>	Does the conservatee bathe or shower daily? If not, how frequently does he or she bathe or shower? _____
<input type="checkbox"/>	<input type="checkbox"/>	Does the conservatee need help grooming, such as shampooing or combing hair?
<input type="checkbox"/>	<input type="checkbox"/>	Can the conservatee get dressed and undressed without help?
<input type="checkbox"/>	<input type="checkbox"/>	Can the conservatee get on and off the toilet without help?
<input type="checkbox"/>	<input type="checkbox"/>	Does the conservatee have control over bladder and bowel functions?

YES	NO	How is the conservatee's physical and mental health?
<input type="checkbox"/>	<input type="checkbox"/>	Has the conservatee been examined by a doctor within the last month? Date of last examination: _____
<input type="checkbox"/>	<input type="checkbox"/>	Is the conservatee currently under a doctor's care?
<input type="checkbox"/>	<input type="checkbox"/>	Can the conservatee take medicine, in the right doses at the right times, without help?
<input type="checkbox"/>	<input type="checkbox"/>	Does the conservatee have trouble sleeping?
<input type="checkbox"/>	<input type="checkbox"/>	Has the conservatee lost his or her appetite?
<input type="checkbox"/>	<input type="checkbox"/>	Has the conservatee lost interest in pleasurable activities?
<input type="checkbox"/>	<input type="checkbox"/>	Has the conservatee expressed a wish to die?

## WORKSHEET FOR ASSESSING THE CONSERVATEE'S NEEDS

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**YES      NO      How is the conservatee's physical and mental health? (continued):**

☐      ☐      Does the conservatee have strong beliefs that aren't realistic—for example, that someone is trying to harm him or her?

**YES      NO      How is the conservatee's memory?**

☐      ☐      Does the conservatee wander or get lost?

☐      ☐      Does the conservatee know the date and time of day?

☐      ☐      Is the conservatee sometimes confused about where or who he or she is?

☐      ☐      Does the conservatee sometimes fail to recognize people he or she knows well?

☐      ☐      Is the conservatee forgetful—for example, does he or she leave the oven on?

**YES      NO      Can the conservatee manage his or her household?**

☐      ☐      Is the conservatee able to fix his or her own meals?

☐      ☐      If so, is the conservatee willing to do so?

☐      ☐      Can the conservatee do the laundry?

**YES      NO      Can the conservatee manage his or her finances?**

☐      ☐      Can the conservatee balance a checkbook?

☐      ☐      Does the conservatee make reasonable, sensible decisions that are in his or her best interests—for example, does the conservatee give away valuables to strangers?

**YES      NO      Can the conservatee get around by himself or herself?**

☐      ☐      When walking, is the conservatee steady on his or her feet?

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## WORKSHEET FOR ASSESSING THE CONSERVATEE'S NEEDS

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|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Can the conservatee shop for groceries and other items?           |
| <input type="checkbox"/> | <input type="checkbox"/> | If so, is transportation available?                               |
| <input type="checkbox"/> | <input type="checkbox"/> | Has the conservatee fallen?                                       |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the conservatee fall frequently?                             |
| <input type="checkbox"/> | <input type="checkbox"/> | Can the conservatee get out of bed and into a chair without help? |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the conservatee need equipment to get around:                |
|                          | <input type="checkbox"/> | <input type="checkbox"/> A cane?                                  |
|                          | <input type="checkbox"/> | <input type="checkbox"/> A walker?                                |
|                          | <input type="checkbox"/> | <input type="checkbox"/> A wheelchair?                            |

<b>YES</b>	<b>NO</b>	<b>Does the conservatee have contact with other people?</b>
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- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Do friends, neighbors, or relatives visit the conservatee frequently?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Has the conservatee expressed an interest in participating in group activities such as meals, games, and other events at a senior or other day center? |

<b>YES</b>	<b>NO</b>	<b>Is the conservatee in any danger?</b>
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- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Does the conservatee's home have safety hazards such as broken steps, loose throw rugs, poor lighting, a staircase without rails, or bathrooms without grab bars?                 |
| <input type="checkbox"/> | <input type="checkbox"/> | If the conservatee drives, does he or she drive safely?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Has the conservatee ever become violent or threatening to himself or herself or to others? If so, how often and under what circumstances? (Attach additional pages if necessary.) |

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|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Does the conservatee have hallucinations? |
|--------------------------|--------------------------|---|

## WORKSHEET FOR ASSESSING THE CONSERVATEE'S NEEDS

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YES      NO      Is the conservatee in any danger? (continued):

☐      ☐      Is there evidence that anyone is threatening to steal from the conservatee or harm him or her in any way?

## WORKSHEET SUMMARY

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Conservatee Can Do It Alone	Conservatee Needs Help	Activity
<input type="checkbox"/>	<input type="checkbox"/>	Moving around
<input type="checkbox"/>	<input type="checkbox"/>	Bathing
<input type="checkbox"/>	<input type="checkbox"/>	Dressing/grooming
<input type="checkbox"/>	<input type="checkbox"/>	Using toilet
<input type="checkbox"/>	<input type="checkbox"/>	Changing disposable underpants
<input type="checkbox"/>	<input type="checkbox"/>	Taking medications
<input type="checkbox"/>	<input type="checkbox"/>	Preparing meals
<input type="checkbox"/>	<input type="checkbox"/>	Shopping for groceries
<input type="checkbox"/>	<input type="checkbox"/>	Shopping for clothes
<input type="checkbox"/>	<input type="checkbox"/>	Cleaning the house
<input type="checkbox"/>	<input type="checkbox"/>	Doing laundry
<input type="checkbox"/>	<input type="checkbox"/>	Using the phone
<input type="checkbox"/>	<input type="checkbox"/>	Using transportation services
<input type="checkbox"/>	<input type="checkbox"/>	Paying bills/managing money

Conservatee's memory

☐      Good  
☐      Fair  
☐      Poor

Conservatee's decision-making ability

☐      Good  
☐      Threatens his or her own well-being

Is conservatee combative or  
does he or she act aggressively?

☐      No  
☐      Occasionally, but no  
threat to safety  
☐      Often  
☐      May pose a threat to  
self or others

Is conservatee confused or  
disoriented?

☐      No  
☐      Occasionally or mildly  
☐      Always or severely

Your general plan for conservatorship should include the following elements:<sup>1</sup>

- **Conservatee's personal condition and needs** Describe the conservatee's overall physical, emotional, and social circumstances. This description should identify needs—that is, physical, emotional, or social problems or deficits that affect the conservatee's daily activities. Include a description of the conservatee's current residence, level of care, and involvement with family and friends. Describe not only the conservatee's current state and daily routine, but also any expected changes—for example, a doctor's prognosis of anticipated improvement or decline in physical health.
- **Conservatee's financial condition and ability** Describe the conservatee's economic circumstances, including any existing investments and sources of income. Describe any existing procedures for handling income and expenses and identify any problem areas in maintaining and handling assets and deficits.
- **Plans for conservatorship of the person** Your plan for managing the conservatee's personal needs should be a detailed description of the type and level of services you propose to provide in order to take care of his or her basic and extraordinary needs. Include your own plans for contact and involvement with the conservatee and your plans to involve others, such as relatives, friends, or community services. Describe any changes you intend to make in the conservatee's existing residence or level of care, not only in the short term, based on current personal conditions, but also in the long term, based on expected changes in those conditions.
- **Plans for conservatorship of the estate** Your plan for managing the conservatee's estate should describe how you propose to handle the conservatee's assets and anticipated deficits, including proposed changes in investments and sales of assets and any intended use of investment advisors or other financial experts. Describe the method or procedure you intend to use to handle income and expenses and identify the income or sources of funds you intend to use to satisfy the conservatee's basic and extraordinary needs in the short term and in the long term. Estimate both income and expenses (including the cost of care and fees for lawyers and conservators) on an annual basis.

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1. These elements are from local rules of the Superior Courts of Shasta and Ventura Counties.

## 2. Reviewing and Updating Your Plan

It is a good idea to review your plan at least once a year, or whenever there is a significant change in your conservatee's personal life or finances. Such changes may include the following:

- A gradual improvement or decline in physical, mental, or emotional health
- A sudden health change such as a stroke, hip fracture, or diagnosed cancer
- A change in the conservatee's family or household arrangements
- The death or absence of a spouse, child, good friend, or regular caregiver
- A new person or persons in the conservatee's life
- A reduction in estate assets or income
- The need to move from the conservatee's current residence

Periodic review is extremely useful to make any necessary adjustments to changes such as these, so that you may continue to meet the conservatee's current needs and circumstances.

Some courts require conservators of the person to file status reports at the time the conservator of the estate files the account. Status reports are filed with the court, but they are confidential. They are not kept with the documents the public can see in the court's regular file.

A status report is, essentially, an update of the plan developed by the conservator of the person. It describes the conservatee's current living arrangements, current health, general well-being, abilities and limitations; it notes any changes in these factors; and it indicates what changes in the conservatee's living arrangements are expected in the near future. You should check with your lawyer concerning your court's requirements for status reports. **L**